

City of San Marcos

630 East Hopkins San Marcos, TX 78666

Work Session Agenda - Final City Council

Tuesday, January 15, 2019 3:00 PM City Hall Conference Room

630 E. Hopkins - Work Session

- I. Call To Order
- II. Roll Call

PRESENTATIONS

- 1. Receive a presentation from Richard Castanon, U.S Census Bureau Partnership Specialist about preparing for the 2020 Census Count.
- 2. Receive a presentation and hold a discussion regarding the Ethics Review Commission's recommendation to adopt an ordinance regulating lobbyists and lobbying activities in San Marcos; and provide direction to staff.

EXECUTIVE SESSION

- **3.** A.) Executive Session in accordance with Section 551.086, Public Power Utility Competitive Matters, to discuss a potential purchased power agreement for the electric utility.
 - B.) Executive Session in accordance with Section 551.071, Consultation With Attorney, to receive legal advice from the city attorney regarding disposition of Park property at Cape's Camp previously dedicated to the city by plat of The Woodlands of San Marcos.
 - C.) Executive Session in accordance with Section 551.087, Economic Development, to receive a staff briefing and deliberate regarding a potential Chapter 380 Economic Development incentive agreement for the S.M.A.R.T Terminal Project.

III. Adjournment.

POSTED ON WEDNESDAY, JANUARY 9, 2019 @ 5:15PM

JAMIE LEE CASE, CITY CLERK

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov



City of San Marcos

630 East Hopkins San Marcos, TX 78666

Legislation Text

File #: ID#18-890, Version: 1

AGENDA CAPTION:

Receive a presentation from Richard Castanon, U.S. Census Bureau Partnership Specialist about preparing for the 2020 Census Count.

Meeting date: January 15, 2019

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A Account Number: N/A Funds Available: N/A Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

<u>City Council Strategic Initiative:</u> [Please select from the dropdown menu below]

Community Partners

Choose an item.

Choose an item.

<u>Comprehensive Plan Element (s)</u>: [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
□ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
⊠ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The next census is set to take place on April 1, 2020. The 2020 census will determine how the federal government will distribute \$400 billion annually to fund community services and generate jobs. Further, it will provide valuable information for decision making regarding land use and resource planning, housing needs planning, education, road and infrastructure planning, and community needs planning.

The Census recommends that education and outreach campaigns be targeted towards hard to count areas in order to increase the accuracy of Census 2020.

One major issue with the accuracy of the data comes from populations that are historically difficult to count. These populations include non-native English speakers, low income households, children, and students. The Census uses past response rates to predict hard to count areas. A Low Response Score (LRS) is the measurement tool used to identify hard to count areas. For example, 79.3% of households that received a 2010 census questionnaire completed it and mailed it back. The resulting LRS nationwide for the 2010 census was 20.7%. The Census considers any area with an LRS greater than 30% as a hard to count area. There are four census tracts within the City of San Marcos that have an LRS score that is greater than 30%. In order to ensure the Census is as accurate as possible in accounting for the entire community including traditionally hard to count populations, assistance and advice from community-based organizations, the school district, local businesses, and the University is welcomed and needed. Staff will be bringing a Resolution for the City Council's consideration to establish a complete count committee for the purpose of increasing the response rate for the 2020 Census, including recommendations for membership, duties, and responsibilities of the Committee.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



2020 Census: What You Need to Know and Do Now





2020 Census: What's at Stake for San Marcos

City of San Marcos, City Council January 15, 2019

Presenter: Richard Castanon, Partnership Specialist U.S. Census Bureau



Agenda

- Greetings
- Census Overview
- Timeline of Activities
- Complete Count Committee Basics
- Determining Local Resource Needs
- Critical Next Steps and Q&A



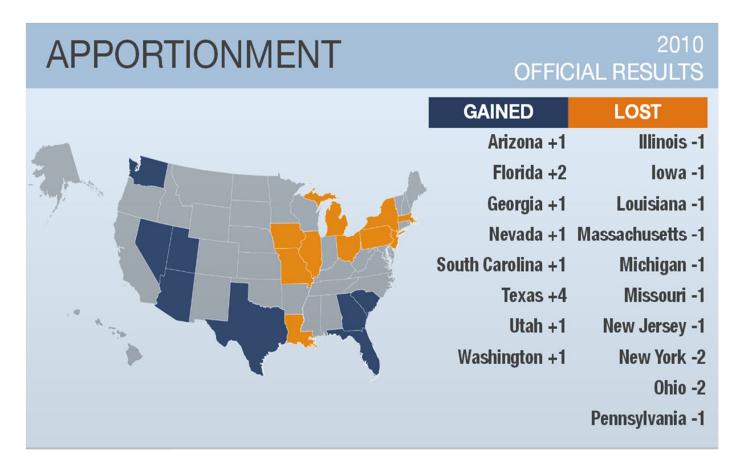
Census Overview

Why we do a census:

Article 1, Section 2 of the US Constitution

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.







U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

Counting For Dollars

Texas receives over \$43 billion dollars per year based on Decennial Census data.

The per capita allocation is \$1,578.

Counting for Dollars link:

https://gwipp.gwu.edu/counting-dollars-role-decennial-census-geographic-distribution-federal-funds



U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov THE GEORGE WASHINGTON INSTITUTE OF PUBLIC POLICY

THE GEORGE WASHINGTON UNIVERSITY

WASHINGTON, DC

Counting for Dollars 2020

16 Large Federal Assistance Programs that Distribute Funds on Basis of Decennial Census-derived Statistics (Fiscal Year 2015)

Texas

Total Program Obligations: \$43,334,650,874 Per Capita: \$1,578 (see note on proper use)

CFDA#	Program Name	Dept.	Type	Recipients	Obligations
93.778	Medical Assistance Program (Medicaid)	HHS	Grants	States	\$21,731,712,107
10.551	Supplemental Nutrition Assistance Program (SNAP)	USDA	Direct Pay	House- holds	\$5,265,414,124
93.774	Medicare Part B (Supplemental Medical Insurance) – Physicians Fee Schedule Services	HHS	Direct Pay	Providers	\$4,548,698,536
20.205	Highway Planning and Construction	DOT	Grants	States	\$3,633,437,152
10.555	National School Lunch Program	USDA	Grants	States	\$1,394,918,358
84.010	Title I Grants to Local Education Agencies	ED	Grants	LEAs	\$1,321,089,793
93.767	State Children's Health Insurance Program (S-CHIP)	HHS	Grants	States	\$1,068,727,000
14.871	Section 8 Housing Choice Vouchers	HUD	Direct Pay	Owners	\$1,045,825,000
84.027	Special Education Grants (IDEA)	ED	Grants	States	\$984,945,560
93.600	Head Start/Early Head Start	HHS	Grants	Providers	\$678,806,882
10.557	Supplemental Nutrition Program for Women, Infants, and Children (WIC)	USDA	Grants	States	\$534,860,939
14.195	Section 8 Housing Assistance Payments Program (Project-based)	HUD	Direct Pay	Owners	\$330,585,412
93.527/ 93.224	Health Center Programs (Community, Migrant, Homeless, Public Housing)	HHS	Grants	Providers	\$245,890,848
93.596	Child Care and Development Fund- Entitlement	HHS	Grants	States	\$221,754,000
93.658	Foster Care (Title IV-E)	HHS	Grants	States	\$210,415,000
93.568	Low Income Home Energy Assistance (LIHEAP)	HHS	Grants	States	\$117,570,163

93.568	Low Income Home Energy Assistance (LIHEAP)	HHZ	Grants	
93.658	Foster Care (Title IV-E)			

Key Data Collection Dates

- Nov 2019
- April 2018
- January-Feb 2019
- Aug Oct 2019
- Jan-Aug-2019
- Early 2020
- March 23, 2020
- April 1, 2020
- May 2020
- August 2020
- December 31, 2020

- In-Office Address Canvass
- Regional Census Center Opens
- Early Area Census Offices Open
- Address Canvassing select areas
- Area Census Offices Open
- Group Quarters Start
- Self Response Starts
- CENSUS DAY
- Non-Response Follow-Up Starts
- Data Collection Complete
- Counts Delivered to President



U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

What is a Complete Count Committee

WHO?

Tribal, state, and local governments work together with partners to form CCCs to promote and encourage response to the 2020 Census in their communities. Community-based organizations also establish CCCs that reach out to their constituents.

WHAT?

A CCC is comprised of a broad spectrum of government and community leaders from education, business, healthcare, and other community organizations. These trusted voices develop and implement a 2020 Census awareness campaign based upon their knowledge of the local community to encourage a response.

WHEN?

The formation of CCCs is happening NOW! Leaders are identifying budget resources and establishing local work plans. In 2020, they will implement the plans and lead their communities to a successful census count.





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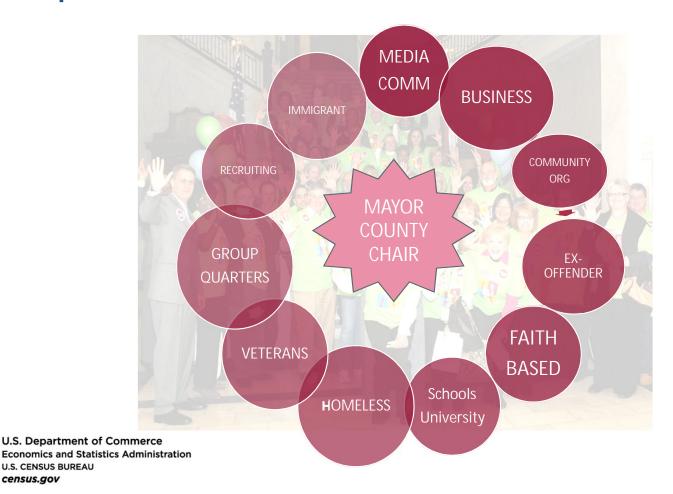
Structure of a Complete Count Committee

The mayor/HEO appoints the members of the CCC based on their ability to:

- Communicate to HTC
- Bring Resources to the table
- Approve initiatives
- Influence
- Allocate sufficient time
- Represent all races/ethnicities in a non-partisan manner
- Create coalitions



Complete Count Committee Formation

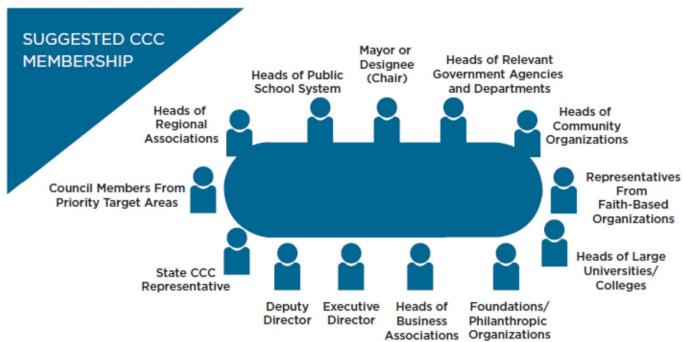




U.S. CENSUS BUREAU census.gov

Complete Count Committee Membership





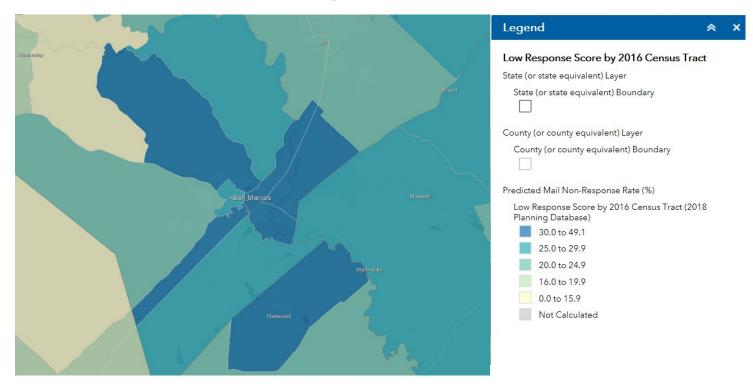
*Partnership Specialist is advisor and Census Bureau liasion to Municipal CCCs



U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

Response Outreach Area Mapper (ROAM)

census.gov/roam





U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

CCC TOOLS



https://www.census.gov/programs-surveys/sis.html









U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

https://www.census.gov/partners/toolkit.pdf

Critical Steps/What's Next



Photo courtesy of Sue Cutsforth, Omaha-Council Bluffs Metropolitan Area Planning Agency

2018

• September 7 Census JOBS go LIVE.

2019

- Local governments determine the structure and establish CCCs.
 - Resolution scheduled for February 19 CC Agenda
- CCCs receive 2020 Census training.
- CCCs develop strategy and work plan.
- CCCs begin community organization mobilization.
- August-October Address Canvassing begins
- 2020
- 2020 Census advertising campaign begins in early 2020.
- CCCs support the 2020 Census.
- CCCs encourage self-response.
- April 1, 2020 CENSUS DAY
- CCCs urge households who do not respond to cooperate.
- CCCs thank the community for their participation in the 2020 Census.



U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov

CENSUS JOBS NOW LIVE!

https://2020census.gov/jobs





U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU Census.gov





U.S. Department of Commerce Economics and Statistics Administration U.S. CENSUS BUREAU census.gov



City of San Marcos

630 East Hopkins San Marcos, TX 78666

to

Legislation Text

File #: ID#18-922, Version: 1
AGENDA CAPTION: Receive a presentation and hold a discussion regarding the Ethics Review Commission's recommendation t adopt an ordinance regulating lobbyists and lobbying activities in San Marcos; and provide direction to staff. Meeting date: January 15, 2019
Department: Legal
Amount & Source of Funding Funds Required: Click or tap here to enter text. Account Number: Click or tap here to enter text. Funds Available: Click or tap here to enter text. Account Name: Click or tap here to enter text.
Fiscal Note: Prior Council Action: Click or tap here to enter text.
<u>City Council Strategic Initiative</u> : [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.
Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu
below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
□ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
□ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

File #: ID#18-922, Version: 1

Choose an item.

Background Information:

On March 20. 2018 the City Council received a presentation and held a discussion regarding the Ethics Review Commission's recommended amendments to the San Marcos Code of Ethics. Council deferred further discussion regarding the ERC's proposal to regulate lobbyists and lobbing activities to a work session to be held in January of 2019. At this work session council will have an opportunity to discuss and decide if there is a need at this time to regulate lobbying in San Marcos and provide direction to staff, if necessary, regarding this matter.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



City Council Workshop Discussion – Lobbying

January 15, 2019



Requested Council Action

To discuss and decide if there is a need to regulate lobbyists and lobbying activities in San Marcos and provide direction to staff



Prior Council Discussion and Direction

- On March 20 2018, the City Council discussed the ERC's recommendations concerning lobbying
- Council told staff to bring the matter back for further discussion in January of 2019 to determine if there is a need to regulate lobbying in San Marcos and provide direction regarding any additional work to be done on a draft ordinance

SANMARCOS

ERC's Recommendations - Lobbying

Key Terms Defined:

<u>Lobbying</u> – oral, written, or electronic communication with a city official, employee, or staff member to influence a municipal decision on behalf of the lobbyist himself, or on behalf of another person or entity

Includes: attempts to adopt or defeat adoption of an ordinance or resolution, to gain the award of a contract or approval of a land use/land development application

SANJIACOS

Lobbying Regulations (continued)

Excluding: communications regarding homestead property; family matters that are not business related; matters not involving financial benefit or detriment

<u>Lobbyist</u> – any person, including an attorney, who engages in lobbying on behalf of his/her principal, employer, or the owner of a business. Both the lobbyist and the principal would be subject to proposed registration and reporting requirements

SANMARCOS

Lobbying Regulations (continued)

Registration – required; failure to register can delay city's award of contract or land use decision until registration occurs

Activity Reports:

- required to be filed for each two month period
- include the name of the client, list of issues, matters or decisions
- names of city officials or employees contacted
- dollar amount of each gift, benefit or expenditure conferred on a city official in excess of \$50 or in a cumulative amount greater than \$200 per reporting period
- setting annual limit of \$500 on meals or gifts to a city official

SANMARCOS

Lobbying Regulations (continued)

Violations and Enforcement:

- complaints regarding lobbying violations would be heard by the ERC
- repeated violations three violations within a five year period – results in suspension for one year
- could also result in municipal court prosecution



A&Q

Questions?

 Direction to Ethics Review Commission and staff?

Lobbying Rules and Requirements for Lobbyists

Purpose of this ordinance:

The lobbying provisions of this ordinance are designed to improve transparency with regard to city business and services to the public. To maintain public confidence and public trust in our city officials and employees when public resources are used and municipal decisions are made, this lobbying ordinance requires certain individuals to register and report exchanges with city officials and city employees.

I. Definitions.

Lobbying means any communication (oral or written or electronic) by a lobbyist for the purpose of influencing a municipal decision on behalf of that person or another person, company, corporation, partnership, or group. It may include an attempt to introduce, pass, defeat, or amend any local legislation, resolution, or decision. Any communication with city staff or employee, city officials, appointed city officials (permanent or temporary), or contracted employees of the city for the purpose of influencing a municipal decision is included.

Lobbyist is any person, including an attorney, who engages in lobbying, whether directly or through the act(s) of another. If an agent or employee engages in lobbying for a principal or employer or owner of a business, both the agent and principal, or the employee and employer, are lobbyists.

Qualifying contracts, applications, and activities that trigger lobbying registration include but are not limited to: Contracts with the city or subcontractors under a city contract, Procurements with the city, Requests for Proposal (RFP), Requests for Information (RFI), Applications for zoning changes or preferred scenario amendment requests, requests for special considerations for city services or a change in the Master Plan, or Comprehensive Plan, Planned Development Districts applications (PDD), Public Improvement Districts (PID), Municipal Utility Districts (MUD), Conditional Use Permits (CUP), Tax Increment Financing, Economic Development Incentive Agreements, Variances considered by the Planning and Zoning Commission (P&Z) or Zoning Board of Adjustments (ZBOA), Warrants, Waivers, Development Agreements, Platting or re-platting of land for a development, or any special requests that are a deviation from the comprehensive plan or Land Development Code (LDC) for the purpose of increasing or acquiring profit or avoiding loss. It may not be necessary to prove the intention of increasing or acquiring profit or avoiding loss in order to be a qualifying application. Not all variances, waivers, or the platting or re-platting of land automatically trigger lobbying registration (see Exceptions to lobbying).

Exceptions to lobbying: individuals whose communications represent their own interests for their homestead, or family other than business, or other matters that do not involve possible personal financial benefit or detriment are not required to register as lobbyists. Individuals who file a complaint or seek information or advice, regarding a matter that does not involve possible financial benefit to a business with which the individual is involved or whose interest the individual is

representing are also exempted.

II. General requirements.

(a) Initial compliance and continued adherence to lobby ordinance required.

If a lobbyist fails to comply with any provision of this ordinance, his or her principal shall not be awarded a contract with the city or obtain any land development permit or legislative approval or other similar services from the city until registration as a lobbyist has occurred or other compliance is made. Any failure to comply with registration or ongoing lobbying activity requirements will result in postponement of land development or other services.

(b) Contested status of lobbyists or registration information.

Requests for determinations regarding requirements to register as a lobbyist or complaints regarding an individual's failure to register as a lobbyist shall be referred to the Ethics Review Commission for a final decision to be made within thirty (30) days. During the Ethics Review Commission's review process, any contract awards, activities, and applications that require a determination regarding the lobbyist registration requirement shall not be considered or approved.

(c) Lobbyists.

Lobbyists are required to identify themselves as lobbyists and disclose their principals, or employers and the project, interest, or business they are representing when speaking before the city council or any board or commission.

III. Registration and disclosures.

All lobbyists are required to register prior to applying for qualifying applications with the city clerk's office or online at the city's website unless exempted (see exceptions to lobbying).

(a) Registration required.

Initial or subsequent registration shall be on a form prescribed by the Ethics Review Commission and available from the City Clerk and shall include the following information:

- (1) Full name, telephone number, permanent address, and nature of the business for:
 - a. The lobbyist;
 - b. The client (or Principal);
 - c. Any person, other than the client, on whose behalf the lobbyist has been engaged by the client to lobby;
 - d. Any person, other than the client, who is known by the lobbyist to contribute financially to the compensation of the lobbyist, or which, in whole or in major part, plans, supervises, or controls the lobbyist's lobbying activities on behalf of the client;

- e. Any lobbying firm for which the lobbyist is an agent or employee with respect to the client; and
- f. Each employee or agent of the lobbyist who has acted or whom the lobbyist expects to act as a lobbyist on behalf of the client;
- (2) A statement of all municipal questions on which the lobbyist or its agents or employees have lobbied for the client in the year preceding the filing of the registration or foreseeably will lobby;
- (3) A list of any positions held by the lobbyist or its agents or employees as an official or employee of the City, as those terms are during the past two (2) years;
- (4) If the lobbyist or an agent or employee is a former City official or employee, a statement that the lobbyist's lobbying activities have not violated and will not foreseeably violate former City officials and employees of the Ethics Code.

(b) Activity reports.

Each lobbyist shall file with the City Clerk a separate report signed under oath concerning the lobbyist's lobbying activities. A firm, entity, or individual that employs agents or employees who lobby on behalf of that organization's or employer's clients may file activity reports regarding lobbying activities on behalf of all the organization's or employer's clients, so long as all activities by agents and employees that must be disclosed are reported on consolidated reports to be filed on or before the 15th day of every other month beginning in March of each year. Each report shall list lobbying activities for the preceding two (2) calendar months. Activity reports shall be filed for every reporting period whether or not lobbying activities occurred. When a lobbyist files an activity report disclosing the lobbying activities of its agents or employees, the lobbyist's agents and employees are not required to file separate activity reports. If the lobbyist is not an individual, an authorized officer or agent of the lobbyist shall sign the form. The report shall be on the form prescribed by the Ethics Review Commission and available from City Clerk and shall include, with respect to the previous reporting period, the following information:

- (1) The name of the lobbyist, the name of the client, and any changes or updates in the information provided in the most recent registration statement filed;
- (2) A list of the specific issues upon which the lobbyist or its agents or employees engaged in lobbying activities, including, to the maximum extent practicable, a list of specific legislative proposals and other proposed, pending, or completed official actions;
- (3) A list of the City officials contacted by the lobbyist or its agents or employees on behalf of the client with regard to a municipal question;
- (4) A list of the employees or agents of the lobbyist who acted as lobbyists on behalf of the client:
- (5) The dollar amount of each gift, benefit, or expenditure greater than fifty dollars (\$50) or in a cumulative amount greater than two hundred dollars (\$200) per reporting period made to, conferred upon, or incurred on behalf of a City official or his or her immediate family by the lobbyist, or by anyone acting on behalf of the lobbyist, shall be itemized by date, City official, actual cost, entity and address, and circumstances of the transaction;

(6) The name and position of each City official or member of a City official's immediate family who is employed by the lobbyist.

(c) Preservation of records.

Each lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the activity reports required to be made pursuant to this section for seven (7) years from the date of filing of the report containing such items. These records must be provided to the Ethics Review Commission upon request by the Commission.

V. Restricted activities.

(a) False statements.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such persons, shall not intentionally or knowingly make any false, misleading, or incomplete statement of fact to any City official, or, knowing a document to contain a false statement, cause a copy of such document to be received by a City official without notifying such official in writing of the truth.

(b) Failure to correct erroneous statement.

A lobbyist who learns that a statement contained in a registration form or activity report he or she filed during the past three (3) years is false shall correct that statement by written notification to the City Clerk within thirty (30) days of learning of the falsehood.

(c) Personal obligation of City officials.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not do any act, or refrain from doing any act, with the express purpose and intent of placing any City official under a personal obligation to such lobbyist or person.

(d) Improper influence.

A <u>lobbyist</u>—(City official?) shall not cause or influence the introduction of any ordinance, resolution, appeal, application, petition, nomination, or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting, denial, confirmation, rejection, passage, or defeat.

(e) Use of false identification.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not cause any communication to be sent to a City official in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

(f) Prohibited representations.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, shall not represent, either directly or indirectly, orally or in writing, that he or she can control or obtain the vote or action of any City official.

(g) Limitations on gifts.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such persons, shall not give gifts to a City official or a City employee or his or her immediate family, with the exception of: an individual meal or gift with a cost or value of fifty dollars (\$50) or less, and not more than a cumulative value of five hundred dollars (\$500) in a single calendar year, on behalf of a single principal.

(h) Prohibited lobbying or anti-lobbying clause.

A person who lobbies or engages another person to lobby, or any other person acting on behalf of such person, is prohibited from lobbying activities with City officials and employees regarding a contract after a Request for Proposal (RFP), a Request for Qualifications (RFQ) or other solicitation has been issued. If contact is required with City officials and employees, such contact will be made in accordance with procedures incorporated into the solicitation document. Violation of this provision by respondents or their agent(s) shall lead to disqualification of their offer from consideration at the time of the award. Violations of this clause shall be enforced by the Purchasing Department head or city manager.

VI. Enforcement and Sanctions.

The Ethics Review Commission will hear complaints on Lobbying.

- (a) Three (3) violations of this lobbying ordinance requirements, as determined by the Ethics Review Commission, within five (5) years, will bar the individual lobbyist and/or the principal from engaging in lobbying activities with the City of San Marcos for one (1) year.
- (b) Each violation of this ordinance may be prosecuted as a separate offense.



City of San Marcos

630 East Hopkins San Marcos, TX 78666

Legislation Text

File #: ID#18-923, Version: 1

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